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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/690,570

10/23/2003

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Q77990

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23373 7590 11/16/2007
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EXAMINER

YOO, JASSON H

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

11/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/690,570	Applicant(s) ISHIKAWA, HIROAKA	
	Examiner Jasson H. Yoo	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 6-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 2002-318960, filed on 10/31/02.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (US 6,468,162).

Nakamura discloses the following:

Claim 1. Nakamura discloses a game system comprising: a first game device (10-1 in Fig. 1); and a second game device separate from the first game device (10-2 in Fig. 2),

wherein the first game device comprises: medium accommodating means for accommodating a portable storage medium (portable information device, cols. 4:64-5:14); and

writing means for generating information relating to a play amount for a player, and writing one or more game parameters and information relating to the play amount to the portable storage medium (cols. 2:49-52, 4:10-14, 8:34-43, 10:23-35),

and the second game device comprises: medium accommodating means for accommodating the portable storage medium (each game device is adapted to transfer information to and from the portable information storage device, col. 5:15-22); and

game processing means for reading the game parameters and information relating to the play amount stored on the accommodated portable storage medium, (cols. 5:10-22, 6:35-39, 8:42-43), carrying out game processing based on the read game parameters (portable storage medium stores program data, program codes, image information, sound information, information of shape of display objects, table data, list data, player information for instructing processing, cols. 6:66 –7:17).

Nakamura discloses a game system as discussed above. Nakamura specifically teaches the portable storage medium is used to save game program and game data. When a user updates the game program and game data, the game program and game data are modified. Nakamura further discloses game data relating to play amount is stored (cols. 2:49-52, 8:34-43, 10:23-35). However, Nakamura fails to teach modifying content of the game processing to process prescribed game events if the game processing means determines that the read information relating to play amount exceeds a certain value. Nevertheless it is well known in the art that prescribed game events are processed when the game play amount exceeds a certain value. Various game events are provided throughout the play of the game to maintain the player's interest for the

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game. Many prescribed game events that is related to the play amount, are represented by the game level, round, stage or bonus event. The game events may be part of the primary game (i.e. leveling for level 1 to level 2), or may be in addition to the primary game (bonus stage). For example, after a predetermined amount of time playing a primary game (playing at least one primary game), a player may be offered a bonus stage. The bonus stage may be used accumulate game points. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nakamura's game system and incorporate modifying content of the game processing to process prescribed game events if the game processing means determines that the read information relating to play amount exceeds a certain value, in order to provide the predictable result of providing a game that maintains the player's interest throughout the various game events.

Claim 2. Nakamura discloses a game system as discussed above. Nakamura further discloses a fee paid by the player for processing a game character (col. 6:4-39). However, Nakamura fails to specifically teach the play amount information contains fee information by the player for playing at the first game device. Nevertheless, such modification would have been obvious to one of ordinary skilled in the art. Nakamura discloses that the gaming machines are arcade machines (col. 5:1). Although Nakamura specifically discloses a fee for processing a game character, it is implied or would have been obvious to have a fee to play at the arcade machines. A fee to play at the arcade would provide revenue for the arcade game manager. In arcade games, a

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fee is charged for each game played on the gaming machine. The play amount information that contains fee information would track the number of games played on the games. Furthermore, the fee information will track the amount of money the player has spent on the game. Nakamura specifically discloses services are provided to the player depending on the number of game plays (col. 10:31-39). Thus a service can be awarded to devoted game players who spent a lot of money on the game. Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify Nakamura's game system and incorporate play amount information that contains fee information by the player for playing at the first game device in order to modify the game play according the amount the player played on the first game device, and provide service to the devoted game player.

Claim 3. Nakamura discloses the game system as discussed above wherein the game parameters contain at least one of whether or not occurrence of the prescribed game event is possible, and data utilized during the occurrence of the prescribed game event; and the second game device carries out processing to generate the prescribed game event based on the game parameters (cols. 5:10-22, 6:35-39, 8:42-43).

Claim 5. Nakamura discloses the game system as discussed above, further comprising: record writing means, when at least one of the first game device or the second game device generates the prescribed game event, writing a record of the occurrence containing information for identifying the prescribed game event to the

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portable storage medium, wherein, when there is a record of the occurrence, processing is carried out to limit generation of the prescribed game event identified in information contained in the record of the occurrence (character information is processed and limited by the various types of information, such as level, strength, power; cols. 6:12-28, 10:23-39).

Claims 11, and 12. Nakamura discloses the game system as discussed above, wherein the information relating to the play amount is information containing a number of times a player has played at the first game device (The number of game plays is store onto the portable storage medium, col. 10:23-35, Fig. 6c. When a player stops a game session on a first game device, the number of game plays played on the first game device is stored.).

13. Nakamura discloses a game system as discussed above. Nakamura specifically teaches the portable storage medium is used to save game program and game data. When a user updates the game program and game data, the game program and game data are modified. Nakamura further discloses game data relating to play amount is stored (cols. 2:49-52, 8:34-43, 10:23-35). However, Nakamura fails to teach modifying content of the game processing to process prescribed game events if the game processing means determines that the read information relating to play amount exceeds a certain value, wherein the prescribed game events include changing the difficult of game play. Nevertheless, as discussed above, it is well known in the art

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that prescribed game events are processed when the game play amount exceeds a certain value. It is also well known that that changing difficulty of the game when the game play amount exceeds a certain value is well known in the art. When a player plays a game for a certain amount of time, the player's game skill naturally increases. As the player progresses through the game, the difficulty of the game also changes according to the player's game skill. Game difficulties are usually associated with the game level, round or stage. A change in game difficulty help players maintains their interest for the game. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nakamura's game system and incorporate modifying content of the game processing to process prescribed game events if the game processing means determines that the read information relating to play amount exceeds a certain value, wherein the prescribed game events include changing the difficult of game play, in order to maintain players interest for the game.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (US 6,468,162) as applied to claim 1 above, and further in view of Weiss (US 5,833,538).

Claim 4. Nakamura discloses prescribed game events are processed if the play amount exceeds a certain value as discussed above. Nakamura specifically discloses special gaming features are provided to the player depending on the number of game plays (col. 10:31-39), but fails to teach the prescribed game event is based on a random

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number. However, in an analogous art to methods of providing game events, Weiss discloses pseudo-random trigger event that changes the processing of the game play (cols. 4-5). Weiss discloses the pseudo-random trigger event is based on the random number of games played at a gaming machine (cols. 4:17-36, 7:36-55, col. 8:22).

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Aoyama, US 5,807,173 discloses that a generating random number changes the difficulty of the game.

Fukuhara, US 5,807,174 discloses a prescribed play event triggers a random event.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson H. Yoo whose telephone number is (571)272-5563. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JHY

A handwritten signature in black ink, appearing to read 'Xuan M. Thai', with a stylized, cursive script.

XUAN M. THAI
SUPERVISORY PATENT EXAMINER